



March 20, 2015

---

---

# ENGROSSED HOUSE BILL No. 1006

---

DIGEST OF HB 1006 (Updated March 18, 2015 12:27 pm - DI 106)

**Citations Affected:** IC 11-12; IC 33-38; IC 35-38.

**Synopsis:** Criminal justice funding. Permits the department of correction to provide funding to a court for a court supervised recidivism reduction program. Provides that the Indiana judicial center shall develop and administer the program. Provides that the board of directors of the judicial conference shall promulgate rules for the program. Specifies standards for treatment funded under the program. Establishes the justice reinvestment advisory council to make a recommendation concerning the awarding of a grant. Provides that the Indiana judicial center shall award grants: (1) to assist with the  
(Continued next page)

**Effective:** July 1, 2015.

---

---

## Steuerwald, McMillin, Pierce, Lawson L

(SENATE SPONSORS — STEELE, YOUNG R MICHAEL, BRAY,  
RANDOLPH)

---

---

January 15, 2015, read first time and referred to Committee on Judiciary.  
February 10, 2015, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.  
February 17, 2015, amended, reported — Do Pass.  
February 19, 2015, read second time, ordered engrossed. Engrossed.  
February 23, 2015, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 25, 2015, read first time and referred to Committee on Judiciary.  
March 19, 2015, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

---

---

EH 1006—LS 7063/DI 107



## Digest Continued

establishment and maintenance of community corrections programs in each county by 2020; (2) to assist communities and counties to develop and maintain alternatives to incarceration that are needed in the applicable community or county; and (3) to reduce recidivism. Requires the Indiana judicial center to create reports on the program and other state funding of programs that are alternatives to incarceration, and requires program grantees to create reports concerning the use of the funds. Requires the department of correction to make a monthly report to the budget committee concerning the number of persons committed to the department. Provides that after January 1, 2016, a court may not commit a person convicted of a Level 6 felony to the department of correction, with certain exceptions.



March 20, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1006

---

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 11-12-2-1, AS AMENDED BY P.L.168-2014,  
2       SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2015]: Sec. 1. (a) For the purpose of encouraging counties to  
4       develop a coordinated local corrections-criminal justice system and  
5       providing effective alternatives to imprisonment at the state level, the  
6       commissioner shall, out of funds appropriated for such purposes, make  
7       grants to counties for the establishment and operation of community  
8       corrections **programs and court supervised recidivism reduction**  
9       programs. Appropriations intended for this purpose may not be used by  
10      the department for any other purpose. Money appropriated to the  
11      department of correction for the purpose of making grants under this  
12      chapter and any financial aid payments suspended under section 6 of  
13      this chapter do not revert to the state general fund at the close of any  
14      fiscal year, but remain available to the department of correction for its  
15      use in making grants under this chapter.

**EH 1006—LS 7063/DI 107**



(b) Before March 1, 2015, the department shall estimate the amount of any operational cost savings that will be realized in the state fiscal year ending June 30, 2015, from a reduction in the number of individuals who are in the custody or made a ward of the department of correction (as described in IC 11-8-1-5) that is attributable to the sentencing changes made in HEA 1006-2014 as enacted in the 2014 session of the general assembly. The department shall make the estimate under this subsection based on the best available information. If the department estimates that operational cost savings described in this subsection will be realized in the state fiscal year ending June 30, 2015, the following apply to the department:

(1) The department shall certify the estimated amount of operational cost savings that will be realized to the budget agency and to the auditor of state.

(2) The department may, after review by the budget committee and approval by the budget agency, make additional grants as provided in this chapter to counties for the establishment and operation of community corrections programs **and court supervised recidivism reduction programs** from funds appropriated to the department for the department's operating expenses for the state fiscal year.

(3) The department may, after review by the budget committee and approval by the budget agency, transfer funds appropriated to the department for the department's operating expenses for the state fiscal year to the judicial conference of Indiana to be used by the judicial conference of Indiana to provide additional financial aid for the support of court probation services under the program established under IC 11-13-2.

(4) The maximum aggregate amount of additional grants and transfers that may be made by the department under subdivisions (2) and (3) for the state fiscal year may not exceed the lesser of:

(A) the amount of operational cost savings certified under subdivision (1); or

(B) eleven million dollars (\$11,000,000).

Notwithstanding P.L.205-2013 (HEA 1001-2013), the amount of funds necessary to make any additional grants authorized and approved under this subsection and for any transfers authorized and approved under this subsection, and for providing the additional financial aid to courts from transfers authorized and approved under this subsection, is appropriated for those purposes for the state fiscal year ending June 30, 2015, and the amount of the department's appropriation for operating expenses for the state fiscal year ending June 30, 2015, is reduced by



1 a corresponding amount. This subsection expires June 30, 2015.

2 (c) The commissioner shall give priority in issuing community  
3 corrections **and court supervised recidivism reduction program**  
4 grants to programs that provide alternative sentencing projects for  
5 persons with mental illness, addictive disorders, mental retardation,  
6 and developmental disabilities.

7 **(d) Before the tenth day of each month, the department shall**  
8 **submit the following information to the budget committee with**  
9 **respect to the previous month:**

10 **(1) The number of persons committed to the department.**

11 **(2) The number of persons:**

12 **(A) confined in a department facility;**

13 **(B) participating in a community corrections program;**  
14 **and**

15 **(C) confined in a local jail under contract with or on behalf**  
16 **of the department.**

17 **(3) For each facility operated by the department:**

18 **(A) the number of beds in each facility;**

19 **(B) the number of inmates housed in the facility;**

20 **(C) the highest felony classification of each inmate housed**  
21 **in the facility; and**

22 **(D) a list of all felonies for which persons housed in the**  
23 **facility have been sentenced.**

24 **The information shall be submitted in a form approved by the**  
25 **budget committee.**

26 SECTION 2. IC 11-12-2-4, AS AMENDED BY P.L.24-2014,  
27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2015]: Sec. 4. (a) A county or group of counties, **or a court**  
29 **or a group of courts**, seeking financial aid under this chapter must  
30 apply to the commissioner in a manner and form prescribed by the  
31 commissioner. **If the application is for a community corrections**  
32 **program**, the application must include a community corrections plan  
33 that has been approved by the community corrections board and the  
34 county executive or, in a county having a consolidated city, by the  
35 city-county council. **If the application is for a court supervised**  
36 **recidivism reduction program, the application must include**  
37 **information required by the department.** No county may receive  
38 financial aid until its application is approved by the commissioner.

39 (b) A community corrections plan must comply with rules adopted  
40 under section 5 of this chapter and must include:

41 (1) a description of each program for which financial aid is  
42 sought;



(2) the purpose, objective, administrative structure, staffing, and duration of the program;

(3) a method to evaluate each component of the program to determine the overall use of department approved best practices for the program;

(4) the program's total operating budget, including all other sources of anticipated income;

(5) the amount of community involvement and client participation in the program;

(6) the location and description of facilities that will be used in the program;

(7) the manner in which counties that jointly apply for financial aid under this chapter will operate a coordinated community corrections program; and

(8) a plan of collaboration between the probation department and the community corrections program for the provision of community supervision for adult offenders. The community supervision collaboration plan must be submitted to the department and the Indiana judicial center by ~~July 1, 2017~~, **January 1, 2016**, and must include:

(A) a description of the evidence based services provided to felony offenders by the community corrections program and the probation department;

(B) the manner in which the community corrections program and the probation department intend to reduce the duplication of services to offenders under community supervision;

(C) the manner in which the community corrections program and the probation department intend to coordinate operations and collaborate on the supervision of adult felony offenders;

(D) the eligibility criteria established for community based services provided to adult felony offenders;

(E) the criteria for using the community corrections program as an intermediate sanction for an offender's violation of probation conditions;

(F) a description of how financial aid from the department, program fees, and probation user fees will be used to provide services to adult felony offenders; and

(G) documentary evidence of compliance with department rules for community corrections programs and judicial conference of Indiana standards for probation departments.

(c) A community corrections plan must be annually updated, approved by the county executive or, in a city having a consolidated



city, by the city-county council, and submitted to the commissioner.

(d) No amendment to or substantial modification of an approved community corrections plan may be placed in effect until the department and county executive, or in a county having a consolidated city, the city-county council, have approved the amendment or modification.

(e) A copy of the final plan as approved by the department shall be made available to the board in a timely manner.

(f) The commissioner may, subject to availability of funds, give priority in issuing additional financial aid to counties with a community supervision collaboration plan approved by the department and the Indiana judicial center. The additional financial aid may be used for any evidence based service or program in the approved plan.

SECTION 3. IC 11-12-2-5, AS AMENDED BY P.L.105-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The department shall do the following:

(1) Provide consultation and technical assistance to counties to aid in the development of community corrections plans.

(2) Provide training for community corrections personnel and board members to the extent funds are available.

(3) Adopt under IC 4-22-2 rules governing application by counties **and courts** for financial aid under this chapter, including the content of community corrections plans.

(4) Adopt under IC 4-22-2 rules governing the disbursement of monies to a county and the county's certification of expenditures.

(5) Adopt under IC 4-22-2 minimum standards for the establishment, operation, and evaluation of programs receiving financial aid under this chapter. (These standards must be sufficiently flexible to foster the development of new and improved correctional practices.)

(6) Examine and either approve or disapprove applications for financial aid. The department's approval or disapproval must be based on this chapter and the rules adopted under this chapter.

(7) Keep the budget agency informed of the amount of appropriation needed to adequately fund programs under this chapter.

(8) Adopt under IC 4-22-2 a formula or other method of determining a participating county's share of funds appropriated for purposes of this chapter. This formula or method must be approved by the budget agency before the formula is adopted and must be designed to accurately reflect a county's correctional needs and ability to pay.



(9) Keep counties informed of money appropriated for the purposes of this chapter.

(10) Provide an approved training curriculum for community corrections field officers.

(11) Require community corrections programs to submit in proposed budget requests an evaluation of the use of department approved best practices for each community corrections program component.

(b) The commissioner may do the following:

(1) Visit and inspect any program receiving financial aid under this chapter.

(2) Require a participating county or program to submit information or statistics pertinent to the review of applications and programs.

(3) Expend up to three percent (3%) of the money appropriated to the department for community correction grants to provide technical assistance, consultation, and training to counties and to monitor and evaluate program delivery.

(c) Notwithstanding any law prohibiting advance payments, the department of correction may advance grant money to a county or group of counties in order to assist a community corrections program. However, not more than twenty-five percent (25%) of the amount awarded to a county or group of counties may be paid in advance.

(d) The commissioner shall disburse no more funds to any county **or court** under this chapter than are required to fund the community corrections plan **or court supervised recidivism reduction program**.

SECTION 4. IC 35-38-3-3, AS AMENDED BY P.L.168-2014, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Except as provided by subsection (b), a person convicted of a misdemeanor may not be committed to the department of correction.

(b) Upon a request from the sheriff, the commissioner may agree to accept custody of a misdemeanor:

(1) if placement in the county jail:

(A) places the inmate in danger of serious bodily injury or death; or

(B) represents a substantial threat to the safety of others;

(2) for other good cause shown; or

(3) if a person has more than five hundred forty-seven (547) days remaining before the person's earliest release date as a result of consecutive misdemeanor sentences.

(c) After June 30, 2014, and before ~~July 1, 2015~~, **January 1, 2016**,



a court may not commit a person convicted of a Level 6 felony to the department of correction if the person's earliest possible release date is less than ninety-one (91) days from the date of sentencing, unless the commitment is due to the person violating a condition of probation, parole, or community corrections by committing a new criminal offense.

(d) After ~~June 30, 2015~~, **January 1, 2016**, a court may not commit a person convicted of a Level 6 felony to the department of correction, ~~if the person's earliest possible release date is less than three hundred sixty-six (366) days from the date of sentencing~~, unless:

(1) the commitment is due to the person violating a condition of probation, parole, or community corrections by committing a new criminal offense; **or**

(2) **the person is convicted of:**

(A) **at least two (2) Level 6 felonies that are ordered to be served consecutively; or**

(B) **a Level 6 felony that is enhanced by an additional fixed term under IC 35-50-2-8 through IC 35-50-2-16;**

**and the person's earliest possible release date is more than three hundred sixty-five (365) days after the date of sentencing.**

(e) After June 30, 2014, a sheriff is entitled to a per diem and medical expense reimbursement as described in P.L.205-2013, SECTION 4 for the cost of incarcerating a person described in subsections (c) and (d) in a county jail. The sheriff is entitled to a per diem and medical expense reimbursement only for the time that the person described in subsections (c) and (d) is incarcerated in the county jail. **The per diem amount may be used by the sheriff to fund mental health and substance abuse services and programs that are mutually agreed upon by the county fiscal body and the county sheriff for persons described in subsections (c) and (d).** The reimbursement:

(1) shall be reviewed by the budget committee; and

(2) is subject to approval by the budget agency.

SECTION 5. IC 33-38-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. The judicial conference shall do the following:

(1) Promote an exchange of experience and suggestions regarding the operation of Indiana's judicial system.

(2) Promote the continuing education of judges.

(3) Seek to promote a better understanding of the judiciary.

(4) Act as administrator for probationers participating in the



interstate compact for the supervision of parolees and probationers under IC 11-13-4-3.

(5) Act as compact administrator for probationers participating in the interstate compact on juveniles under IC 11-13-4-3.

**(6) Develop and administer the justice reinvestment community grants program under IC 33-38-9.5.**

SECTION 6. IC 33-38-9.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

**Chapter 9.5. Justice Reinvestment Community Grants Program**

**Sec. 1. The following definitions apply throughout this chapter:**

(1) "Advisory council" means the justice reinvestment advisory council established by section 2 of this chapter.

(2) "Board" means the board of directors of the judicial conference of Indiana, established by IC 33-38-9-3.

(3) "Indiana judicial center" means the Indiana judicial center established under IC 33-38-9-4(b).

**Sec. 2. (a) The justice reinvestment advisory council is established. The advisory council consists of the following members:**

(1) The executive director of the Indiana public defender council or the executive director's designee.

(2) The executive director of the Indiana prosecuting attorneys council or the executive director's designee.

(3) The director of the division of mental health and addiction or the director's designee.

(4) The president of the Indiana sheriff's association or the president's designee.

(5) The commissioner of the Indiana department of correction or the commissioner's designee.

(6) The executive director of the Indiana judicial center or the executive director's designee.

(7) The executive director of the Indiana criminal justice institute or the executive director's designee.

(8) The president of the Indiana Association of Community Corrections Act Counties or the president's designee.

(9) The president of the Probation Officers Professional Association of Indiana or the president's designee.

**(b) The executive director of the Indiana judicial center shall serve as chairperson of the advisory council.**

**(c) The advisory council shall make a recommendation to the Indiana judicial center with respect to an application for a justice**



1 reinvestment community grant.

2 (d) The Indiana judicial center shall staff the advisory council.

3 (e) The expenses of the advisory council shall be paid by the  
4 Indiana judicial center from funds appropriated to the Indiana  
5 judicial center for the administrative costs of the justice  
6 reinvestment community grants program.

7 (f) A member of the advisory council is not entitled to the  
8 minimum salary per diem provided by IC 4-10-11-2.1(b). The  
9 member is, however, entitled to reimbursement for traveling  
10 expenses as provided under IC 4-13-1-4 and other expenses  
11 actually incurred in connection with the member's duties as  
12 provided in the state policies and procedures established by the  
13 Indiana department of administration and approved by the budget  
14 agency.

15 (g) The affirmative votes of a majority of the voting members  
16 appointed to the advisory council are required for the advisory  
17 council to take action on any measure.

18 (h) This section expires July 1, 2017.

19 Sec. 3. (a) The Indiana judicial center shall develop and  
20 administer the justice reinvestment community grants program.

21 (b) The goal of the justice reinvestment community grants  
22 program is to develop incarceration alternatives at the county and  
23 community level through grants by promoting the development of:

- 24 (1) probation services;
- 25 (2) problem solving courts;
- 26 (3) mental health treatment;
- 27 (4) substance abuse treatment;
- 28 (5) forensic diversion programs;
- 29 (6) community corrections; and
- 30 (7) other alternatives to incarceration.

31 (c) The Indiana judicial center shall accept applications from  
32 courts and community corrections programs for grants described  
33 in subsection (b), if the application is approved by a majority of the  
34 circuit and superior courts in the county (if the applicant is a  
35 court), or by the community corrections advisory board in the  
36 county (if the applicant is a community corrections program). The  
37 Indiana judicial center shall transmit a copy of all grant  
38 applications to the advisory council upon receipt. If the advisory  
39 council makes a recommendation concerning the awarding of a  
40 grant, the Indiana judicial center shall consider the  
41 recommendation in awarding a grant. If the Indiana judicial center  
42 does not follow the recommendation of the advisory council, the



1 Indiana judicial center shall give the advisory council a written  
 2 explanation of its reasons for not following the recommendation of  
 3 the advisory council. The Indiana judicial center shall award  
 4 grants:

- 5 (1) to assist with the establishment and maintenance of  
 6 community corrections programs in each county by 2020,  
 7 including community corrections programs serving multiple  
 8 counties;
- 9 (2) to assist communities and counties to develop and  
 10 maintain alternatives to incarceration that are needed in the  
 11 applicable community or county; and
- 12 (3) to reduce recidivism.

13 However, the Indiana judicial center may not award a grant for  
 14 the construction, expansion, renovation, or maintenance of a  
 15 facility, building, or structure.

16 (d) The executive director of the Indiana judicial center may do  
 17 the following:

- 18 (1) Visit and inspect any court or program receiving financial  
 19 aid under this chapter.
- 20 (2) Require a participating county, court, or program to  
 21 submit information or statistics pertinent to the review of  
 22 applications and programs.
- 23 (3) Expend up to three percent (3%) of the money  
 24 appropriated to the justice reinvestment community grants to  
 25 provide technical assistance, consultation, and training to  
 26 counties and to monitor and evaluate program delivery.

27 Sec. 4. (a) The board shall adopt rules consistent with this  
 28 chapter, prescribing standards regarding:

- 29 (1) the development of the grants program under this chapter;
- 30 (2) information required in an application for a grant under  
 31 this chapter;
- 32 (3) audits and monitoring of an entity that receives a grant  
 33 under this chapter; and
- 34 (4) reports required of an entity that receives a grant under  
 35 this chapter.

36 (b) At least seventy-five percent (75%) of funding awarded  
 37 under this chapter must be used to provide evidence-based  
 38 treatment for:

- 39 (1) mental health and addiction; or
- 40 (2) cognitive behavior intervention;

41 directly to an individual.

42 (c) As used in this section, "treatment for addiction" includes:



- (1) addiction counseling;
- (2) inpatient detoxification; and
- (3) medication assisted treatment, including United States Food and Drug Administration approved long acting, nonaddictive medications for treatment of opioid and alcohol dependence.

(d) Mental health and addiction services funded under this chapter must be administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or substance abuse treatment. A certified provider may contract with other licensed professionals to provide additional services funded under this chapter.

(e) Cognitive behavioral interventions funded under this chapter must:

- (1) be designed to reduce recidivism; and
- (2) include cognitive restructuring, social skills, and problem solving.

Sec. 5. (a) For each program funded under this chapter, the Indiana judicial center shall annually prepare a report on its findings including:

- (1) The source and amount of funding provided.
- (2) The use of the funding.
- (3) The adequacy of the funding, including a recommendation for the funding amount needed for the next two (2) state fiscal years, including sources for the recommended funding levels.

(b) The Indiana judicial center shall also prepare a report with an analysis of the justice reinvestment community grants program. The report shall contain the following:

- (1) the number of applicants and the types of programs that grants were sought for;
- (2) descriptions of the grants that were awarded including the:
  - (A) names of the entities awarded grants;
  - (B) locations of the entities awarded grants; and
  - (C) the amount of the grants.

(c) The reports described in subsections (a) and (b) shall be submitted to the advisory council, the Indiana criminal justice institute, and the executive director of the legislative services agency for distribution to the members of the interim study committee on corrections and criminal code. The report must be submitted before September 1 of each year. The report to the executive director of the legislative services agency must be



submitted in an electronic format under IC 5-14-6.

(d) The Indiana judicial center shall submit annually to the budget committee a report that includes:

- (1) a summary of data provided in subsections (a) and (b);
- (2) a summary of:
  - (A) the grants awarded under this chapter; and
  - (B) funding provided by the department of correction and any other agencies under this chapter;
- (3) a summary of the standards developed under section 4 of this chapter;
- (4) a summary of the best practices approved by the Indiana judicial center under IC 11-12-2-5; and
- (5) the balance of the funds in the justice reinvestment community grants account.

Sec. 6. (a) Every entity that receives a grant under this chapter shall submit a report at least one (1) time every six (6) months to the following:

- (1) The legislative council.
- (2) The Indiana criminal justice institute.
- (3) The Indiana judicial center.
- (4) The Indiana prosecuting attorneys council.
- (5) The Indiana public defender commission.
- (6) The budget committee.
- (7) The office of management and budget, for placement in and analysis by the governor's management and performance hub.

(b) The report to the legislative council must be in an electronic format under IC 5-14-6.

(c) The first report of each year shall be submitted before July 1 of that year. The second report of each year shall be submitted before December 31 of that year.

(d) The report required by this section must include the following with respect to all programs and treatment plans funded directly or indirectly from a grant awarded under this section:

- (1) The recidivism rate of persons participating in the program or treatment plan, including the recidivism rate (when available):
  - (A) while participating in the program or treatment plan;
  - (B) within six (6) months of completing the program or treatment plan;
  - (C) within one (1) year of completing the program or treatment plan;



- 1           **(D) within two (2) years of completing the program or**  
2           **treatment plan; and**  
3           **(E) within three (3) years of completing the program or**  
4           **treatment plan.**  
5           **(2) The overall success and failure rate of a program and**  
6           **treatment plan and the measures used to determine the**  
7           **overall success and failure rate.**  
8           **(3) The number of persons who complete or fail to complete**  
9           **a program or treatment plan, and, for persons who do not**  
10          **complete the plan, the reason that the person did not complete**  
11          **the plan, if available.**  
12          **(4) The number of persons participating in the program or**  
13          **treatment plan and the duration of their participation.**  
14          **(5) The number and percentage of persons able to obtain**  
15          **employment after participating in the plan, the type of**  
16          **employment obtained, the length of time required to obtain**  
17          **employment, and, when available, the number of persons still**  
18          **employed after six (6) months and after one (1) year.**  
19          **(6) Other information relevant to the operation of the**  
20          **program or treatment plan.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1006, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, delete "Indiana judicial center, in consultation with the".

Page 1, line 8, after "corrections" insert **"programs and court supervised recidivism reduction"**.

Page 1, line 10, delete "Indiana judicial center or".

Page 1, line 11, reset in roman "department of correction".

Page 1, line 11, delete "Indiana judicial".

Page 1, line 12, delete "center,".

Page 1, line 15, reset in roman "department of correction".

Page 1, line 15, delete "Indiana judicial".

Page 2, line 1, delete "center".

Page 2, line 19, after "programs" insert **"and court supervised recidivism reduction programs"**.

Page 3, line 2, reset in roman "commissioner".

Page 3, line 2, delete "Indiana judicial center".

Page 3, line 3, after "corrections" insert **"and court supervised recidivism reduction program"**.

Page 3, between lines 5 and 6, begin a new paragraph and insert:

**"(d) Before the tenth day of each month, the department shall submit the following information to the budget committee with respect to the previous month:**

**(1) The number of persons committed to the department.**

**(2) The number of persons:**

**(A) confined in a department facility;**

**(B) participating in a community corrections program;**  
**and**

**(C) confined in a local jail under contract with or on behalf of the department.**

**(3) For each facility operated by the department:**

**(A) the number of beds in each facility;**

**(B) the number of inmates housed the facility;**

**(C) the highest felony classification of each inmate housed in the facility; and**

**(D) a list of all felonies for which persons housed in the facility have been sentenced.**

**The information shall be submitted in a form approved by the budget committee."**

EH 1006—LS 7063/DI 107



Page 3, delete lines 6 through 42.

Page 4, delete lines 1 through 6.

Page 4, line 9, delete "counties" and insert "counties, **or a court or a group of courts,**".

Page 4, line 10, reset in roman "commissioner".

Page 4, line 11, delete "Indiana judicial center".

Page 4, line 12, reset in roman "commissioner".

Page 4, line 12, delete "Indiana judicial center. The" and insert "**If the application is for a community corrections program, the**".

Page 4, line 15, after "council." insert "**If the application is for a court supervised recidivism reduction program, the application must include information required by the department.**".

Page 4, line 17, reset in roman "commissioner".

Page 4, line 17, delete "Indiana judicial center".

Page 4, line 25, reset in roman "department".

Page 4, line 40, strike "July 1, 2017," and insert "**January 1, 2016,**".

Page 5, line 14, delete "Indiana".

Page 5, line 15, delete "judicial center and the".

Page 5, line 18, delete "Indiana".

Page 5, line 19, delete "judicial center and".

Page 5, line 24, reset in roman "commissioner".

Page 5, delete line 25.

Page 5, line 28, reset in roman "department".

Page 5, line 28, delete "Indiana judicial center".

Page 5, line 31, reset in roman "department".

Page 5, line 31, delete "Indiana".

Page 5, line 32, delete "judicial center".

Page 5, line 34, reset in roman "commissioner".

Page 5, line 34, delete "Indiana judicial center".

Page 5, line 42, delete "Indiana judicial center in".

Page 6, line 1, delete "consultation with the".

Page 6, line 7, after "counties" insert "**and courts**".

Page 6, line 33, delete "the Indiana".

Page 6, line 34, delete "judicial center and the".

Page 6, line 36, reset in roman "commissioner".

Page 6, line 36, delete "Indiana judicial center".

Page 7, line 1, reset in roman "to".

Page 7, line 2, reset in roman "the department".

Page 7, line 6, delete "Indiana judicial center in consultation with the".

Page 7, line 11, reset in roman "commissioner".

Page 7, line 11, delete "Indiana judicial center".



Page 7, line 12, after "county" insert "**or court**".

Page 7, line 13, delete "plan." and insert "**plan or court supervised recidivism reduction program.**".

Page 7, delete lines 14 through 42.

Delete page 8.

Page 9, delete lines 1 through 10, begin a new paragraph and insert:

"SECTION 9. IC 35-38-3-3, AS AMENDED BY P.L.168-2014, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Except as provided by subsection (b), a person convicted of a misdemeanor may not be committed to the department of correction.

(b) Upon a request from the sheriff, the commissioner may agree to accept custody of a misdemeanorant:

(1) if placement in the county jail:

(A) places the inmate in danger of serious bodily injury or death; or

(B) represents a substantial threat to the safety of others;

(2) for other good cause shown; or

(3) if a person has more than five hundred forty-seven (547) days remaining before the person's earliest release date as a result of consecutive misdemeanor sentences.

(c) After June 30, 2014, and before ~~July 1, 2015~~, **January 1, 2016**, a court may not commit a person convicted of a Level 6 felony to the department of correction if the person's earliest possible release date is less than ninety-one (91) days from the date of sentencing, unless the commitment is due to the person violating a condition of probation, parole, or community corrections by committing a new criminal offense.

(d) After ~~June 30, 2015~~, **January 1, 2016**, a court may not commit a person convicted of a Level 6 felony to the department of correction, ~~if the person's earliest possible release date is less than three hundred sixty-six (366) days from the date of sentencing~~, unless the commitment is due to the person violating a condition of probation, parole, or community corrections by committing a new criminal offense.

(e) After June 30, 2014, a sheriff is entitled to a per diem and medical expense reimbursement as described in P.L.205-2013, SECTION 4 for the cost of incarcerating a person described in subsections (c) and (d) in a county jail. The sheriff is entitled to a per diem and medical expense reimbursement only for the time that the person described in subsections (c) and (d) is incarcerated in the county jail. The reimbursement:



(1) shall be reviewed by the budget committee; and

(2) is subject to approval by the budget agency."

Page 9, delete lines 25 through 27.

Page 9, delete lines 32 through 36, begin a new paragraph and insert:

**"Sec. 1. The following definitions apply throughout this chapter:**

**(1) "Advisory council" means the justice reinvestment advisory council established by section 2 of this chapter.**

**(2) "Board" means the board of directors of the judicial conference of Indiana, established by IC 33-38-9-3.**

**(3) "Indiana judicial center" means the Indiana judicial center established under IC 33-38-9-4(b).**

**Sec. 2. (a) The justice reinvestment advisory council is established. The advisory council consists of the following members:**

**(1) The executive director of the Indiana public defender council or the executive director's designee.**

**(2) The executive director of the Indiana prosecuting attorneys council or the executive director's designee.**

**(3) The director of the division of mental health and addiction or the director's designee.**

**(4) The president of the Indiana sheriff's association or the president's designee.**

**(b) The executive director of the Indiana public defender council serves as chairperson of the advisory council in even-numbered years. The executive director of the Indiana prosecuting attorneys council serves as chairperson of the advisory council in odd-numbered years.**

**(c) The advisory council shall make a recommendation to the Indiana judicial center with respect to an application for a justice reinvestment community grant.**

**(d) The Indiana public defender council shall staff the advisory council in even-numbered years. The Indiana prosecuting attorneys council shall staff the advisory council in odd-numbered years.**

**(e) The expenses of the advisory council shall be paid by the Indiana judicial center from funds appropriated to the Indiana judicial center for the administrative costs of the justice reinvestment community grants program.**

**(f) A member of the advisory council is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling**



expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) The affirmative votes of a majority of the voting members appointed to the advisory council are required for the advisory council to take action on any measure.

(h) This section expires July 1, 2017."

Page 10, line 8, delete "county and local criminal justice organizations" and insert "courts and community corrections programs".

Page 10, line 9, delete "(b)." and insert "(b), if the application is approved by a majority of the circuit and superior courts in the county (if the applicant is a court), or by the community corrections advisory board in the county (if the applicant is a community corrections program)".

Page 10, line 9, after "The" insert "Indiana judicial center shall transmit a copy of all grant applications to the advisory council upon receipt. If the advisory council makes a recommendation concerning the awarding of a grant, the Indiana judicial center shall consider the recommendation in awarding a grant. The".

Page 10, between lines 18 and 19, begin a new line blocked left and insert:

"However, the Indiana judicial center may not award a grant for the construction, expansion, renovation, or maintenance of a facility, building, or structure."

Page 10, line 19, after "4." insert "(a)".

Page 10, between lines 27 and 28, begin a new paragraph and insert:

"(b) At least seventy-five percent (75%) of funding awarded under this chapter must be used to provide evidence-based treatment for mental health and addiction, directly to an individual."

Page 11, between lines 20 and 21, begin a new paragraph and insert:

"(e) The Indiana judicial center shall submit annually to the budget committee a report that includes:

- (1) a summary of data provided in subsections (b) and (c);
- (2) a summary of:
  - (A) the grants awarded under this chapter; and
  - (B) funding provided by the department of correction and under agencies under section 5(a) of this chapter;
- (3) a summary of the standards developed under section 4 of



**this chapter;**

**(4) a summary of the best practices approved by the Indiana judicial center under IC 11-12-2-5; and**

**(5) the balance of the funds in the justice reinvestment community grants account."**

Page 11, line 25, after "reduction." insert **"The judicial center may use not more than three-hundredths of one percent (0.03%) of the appropriation for the administrative costs incurred in administering the program."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1006 as introduced.)

STEUERWALD

Committee Vote: yeas 10, nays 0.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1006, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Page 10, between lines 8 and 9, begin a new paragraph and insert:

**"(c) As used in this section, "treatment for addiction" includes:**

**(1) addiction counseling;**

**(2) inpatient detoxification; and**

**(3) medication assisted treatment, including United States Food and Drug Administration approved long acting, nonaddictive medications for treatment of opioid and alcohol dependence.**

**(d) Mental health and addiction services funded under this chapter must be administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or substance abuse treatment. A certified provider may contract with other licensed professionals to provide additional services funded under this chapter.**

**(e) Cognitive behavioral interventions funded under this chapter**

EH 1006—LS 7063/DI 107



**must:**

- (1) be designed to reduce recidivism; and**
- (2) include cognitive restructuring, social skills, and problem solving."**

Page 11, delete lines 15 through 22.

and when so amended that said bill do pass.

(Reference is to HB 1006 as printed February 10, 2015.)

BROWN T

Committee Vote: yeas 18, nays 0.

---

#### COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1006, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 19, after "housed" insert "**in**".

Page 7, line 10, delete "unless" and insert "unless:

**(1)".**

Page 7, line 13, delete "offense." and insert "offense; **or**

**(2) the person is convicted of:**

**(A) at least two (2) Level 6 felonies that are ordered to be served consecutively; or**

**(B) a Level 6 felony that is enhanced by an additional fixed term under IC 35-50-2-8 through IC 35-50-2-16;**

**and the person's earliest possible release date is more than three hundred sixty-five (365) days after the date of sentencing."**

Page 7, line 20, after "jail." insert "**The per diem amount may be used by the sheriff to fund mental health and substance abuse services and programs that are mutually agreed upon by the county fiscal body and the county sheriff for persons described in subsections (c) and (d)."**

Page 8, between lines 16 and 17, begin a new line block indented and insert:

**"(5) The commissioner of the Indiana department of correction or the commissioner's designee.**

**(6) The executive director of the Indiana judicial center or the executive director's designee.**

**EH 1006—LS 7063/DI 107**



**(7) The executive director of the Indiana criminal justice institute or the executive director's designee.**

**(8) The president of the Indiana Association of Community Corrections Act Counties or the president's designee.**

**(9) The president of the Probation Officers Professional Association of Indiana or the president's designee."**

Page 8, line 17, delete "public defender council" and insert "**judicial center shall serve**".

Page 8, line 18, delete "serves".

Page 8, line 18, delete "council in even-numbered" and insert "**council**".

Page 8, delete lines 19 through 21.

Page 8, line 25, delete "public defender council" and insert "**judicial center**".

Page 8, line 25, after "advisory" insert "**council**".

Page 8, delete lines 26 through 28.

Page 9, line 25, after "grant." insert "**If the Indiana judicial center does not follow the recommendation of the advisory council, the Indiana judicial center shall give the advisory council a written explanation of its reasons for not following the recommendation of the advisory council.**".

Page 9, between lines 37 and 38, begin a new paragraph and insert:

**"(d) The executive director of the Indiana judicial center may do the following:**

**(1) Visit and inspect any court or program receiving financial aid under this chapter.**

**(2) Require a participating county, court, or program to submit information or statistics pertinent to the review of applications and programs.**

**(3) Expend up to three percent (3%) of the money appropriated to the justice reinvestment community grants to provide technical assistance, consultation, and training to counties and to monitor and evaluate program delivery."**

Page 10, line 7, delete "for" and insert "**for:**

**(1)".**

Page 10, line 7, delete "addiction," and insert "**addiction; or**

**(2) cognitive behavior intervention;"**.

Page 10, line 7, beginning with "directly" begin a new line blocked left.

Page 10, line 27, delete "(a) The Indiana judicial center shall monitor funding".

Page 10, delete lines 28 through 37.



Page 10, line 38, delete "(b)" and insert "(a)".

Page 10, line 38, delete "listed under subsection (a)," and insert **"funded under this chapter,"**.

Page 10, run in lines 27 through 38.

Page 11, line 4, delete "(c)" and insert "(b)".

Page 11, line 14, delete "(d)" and insert "(c)".

Page 11, line 14, delete "(b) and (c)" and insert **"(a) and (b)"**.

Page 11, line 15, after "to the" insert **"advisory council, the Indiana criminal justice institute, and the"**.

Page 11, line 18, delete "in an electronic format under IC 5-14-6".

Page 11, line 19, after "year." insert **"The report to the executive director of the legislative services agency must be submitted in an electronic format under IC 5-14-6."**

Page 11, line 20, delete "(e)" and insert "(d)".

Page 11, line 22, delete "(b) and (c);" and insert **"(a) and (b);"**.

Page 11, line 26, delete "under agencies" and insert **"any other agencies"**.

Page 11, line 26, delete "section 5(a) of".

Page 11, after line 32, begin a new paragraph and insert:

**"Sec. 6. (a) Every entity that receives a grant under this chapter shall submit a report at least one (1) time every six (6) months to the following:**

- (1) The legislative council.**
- (2) The Indiana criminal justice institute.**
- (3) The Indiana judicial center.**
- (4) The Indiana prosecuting attorneys council.**
- (5) The Indiana public defender commission.**
- (6) The budget committee.**
- (7) The office of management and budget, for placement in and analysis by the governor's management and performance hub.**

**(b) The report to the legislative council must be in an electronic format under IC 5-14-6.**

**(c) The first report of each year shall be submitted before July 1 of that year. The second report of each year shall be submitted before December 31 of that year.**

**(d) The report required by this section must include the following with respect to all programs and treatment plans funded directly or indirectly from a grant awarded under this section:**

- (1) The recidivism rate of persons participating in the program or treatment plan, including the recidivism rate (when available):**



- (A) while participating in the program or treatment plan;
  - (B) within six (6) months of completing the program or treatment plan;
  - (C) within one (1) year of completing the program or treatment plan;
  - (D) within two (2) years of completing the program or treatment plan; and
  - (E) within three (3) years of completing the program or treatment plan.
- (2) The overall success and failure rate of a program and treatment plan and the measures used to determine the overall success and failure rate.
- (3) The number of persons who complete or fail to complete a program or treatment plan, and, for persons who do not complete the plan, the reason that the person did not complete the plan, if available.
- (4) The number of persons participating in the program or treatment plan and the duration of their participation.
- (5) The number and percentage of persons able to obtain employment after participating in the plan, the type of employment obtained, the length of time required to obtain employment, and, when available, the number of persons still employed after six (6) months and after one (1) year.
- (6) Other information relevant to the operation of the program or treatment plan."

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1006 as printed February 17, 2015.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 0.

